



COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/362  
to 364 inclusive

In the Matter of the site of  
Stainton Village Hall, Dacre,  
Eden District, Cumbria

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry No. 1 in the Ownership Section of Register Unit No. CL 239 in the Register of Common Land maintained by the Cumbria (formerly Westmorland) County Council and are occasioned by Objection No. 129 made by Mr Henry Noblett and Objection Nos 172 and 173 made by Dacre Parish Council and all noted in the Register on 4 August 1972.

I held a hearing for the purpose of inquiring into the disputes at Penrith on 24 October 1980. At the hearing (1) the Stainton Jury were represented by Mr D Mellor, solicitor of Little & Shepherd, Solicitors of Penrith, he being instructed on behalf of the Jury by Mr John Hetherington who on their behalf as their active foreman applied for the Land Section and Ownership Section registrations; (2) Mr Noblett attended in person; and (3) Mr John Taylor who is a member of Stainton Village Hall Committee attended in person as representing the Committee.

The Ownership Section registration is of the ownership of "Stainton Jury". The Rights Section contains no registrations. The grounds of Objection No. 127 (Mr Noblett) to the ownership registration are that the Jury was not the owner at the date of registration. The grounds of Objection Nos 172 and 173 (the Parish Council) are that the land is not common land, that the Stainton Jury are not the owners but that the land is for the use of and is owned by the Residents of Stainton.

I have a letter dated 6 October 1980 from Dacre Parish Council saying that they have resolved to withdraw their objections both in the Land and the Ownership Sections, a letter dated 10 October 1980 from Little & Shepherd saying that the Jury wished to withdraw their ownership claim, and a letter dated 14 October 1980 from Mr Noblett saying that the land is "an old wayside common" and that all parties are agreed that this area is a common but that the Village Hall Committee is concerned about the ownership of the ground upon which the hall stands and expresses the hope that satisfactory arrangement will be made.

At the hearing Mr Mellor confirming the 10 October letter conceded that the Ownership Section registration should be avoided. In accordance with this concession and with the grounds of Mr Noblett's Objection, and notwithstanding the withdrawal by the Parish Council of their Objection, I refuse to confirm this registration.



As to the Land Section registration, nobody at the hearing or in the above mentioned letters suggesting otherwise I confirm it without any modification.

As to the hope expressed by Mr Noblett in his letter at the hearing that some satisfactory arrangement about ownership can be made I have no jurisdiction on the references now before me to express any opinion about ownership. But as matters will stand as a result of this decision, no person will be registered under the 1965 Act as owner of the land, so section 8 will apply and the County Council will have under such section to refer the question of the ownership to a Commons Commissioner who will have to hold another public inquiry. Accordingly any persons desirous of claiming ownership should notify his claim to the County Council or after the reference has been made to the clerk of the Commons Commissioner.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 8<sup>th</sup> - day of January 1981

a. a. Baden Fuller

Commons Commissioner